

Cong. Rabbinical College v. Village of Pomona
7 Civ. 6304 (KMK)(GAY)

MEMORANDUM ENDORSEMENT

Counsel are directed to confer with each other and with Attorney Condon and to propose an appropriately-adjusted schedule for resolution of the dispute relating to the subpoena directed to Rubenstein and Associates, Inc.

Rubenstein is directed to produce responsive documents as to which no privilege is claimed without awaiting the outcome of the privilege dispute; counsel shall likewise confer concerning deadline for that production to occur.

Dated: March 20, 2014
White Plains, New York

SO ORDERED

A handwritten signature in black ink, appearing to read 'P. Davison', with a long horizontal line extending to the right.

PAUL E. DAVISON, U.S.M.J.

SAVAD | CHURGIN

ATTORNEYS AT LAW

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March 20, 2014
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Hon. Paul E. Davison, U.S. Magistrate Judge
United States District Court, Southern District of New York
300 Quarropas Street, Room 420
White Plains, New York 10601

Re. Cong. Rabbinical College of Tartikov v. Village of Pomona No. 07 CV 6304

Your Honor:

We write on behalf of Plaintiffs. We are in receipt of this Court's Order of March 19, 2014 scheduling a conference for April 3 regarding our request for a protective order of a subpoena issued by Defendants to Rubenstein Associates, Inc. ("Rubenstein"), a public relations firm retained by Tartikov in 2007. We are available for the Court conference that day.

However, the Order also directs us, as counsel for Plaintiffs, to prepare and submit a privilege log by March 25, 2014. We are unable to comply with that portion of the Order because we are not currently in possession of the documents at issue. The subpoena seeks documents in possession of Rubenstein, a non-party in this case. As Plaintiffs are the privilege holder, but not the custodian of the documents, we cannot prepare the privilege log until we are in possession of the documents.

As I indicated in my letter to the Court of March 13, Rubenstein told us that it would retain separate counsel. They have now done so, and upon receiving the Court's Order yesterday, I spoke to Rubenstein's attorney, Brian Condon and sent a copy of the Order to him. Mr. Condon stated that he will need to review Rubenstein's documents prior to permitting us to

review the documents in order for us to create the privilege log. As he has just been retained, he has advised me that his review will not be complete in time for us to comply with the March 25 due date.

We are available to appear on April 3 pursuant to this Court's Order and are prepared to speak about the category of documents about which we seek the protective order. We seek the Court's guidance as to how to proceed.

Respectfully submitted,



DONNA C. SOBEL

DS/as

cc: Andrea Napp, Esq. (via E-mail and Overnight Mail)
John Francis Xavier Peloso, Jr., Esq. (via: E-mail)
Marci A. Hamilton, Esq. (via: E-mail)
Brian Condon, Esq. (via E-mail)
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Congregational Rabbinical College of Tartikov, Inc.